



9th Circuit Court of Appeals To Hear Appeal Over Medicating Jared Lee Loughner

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 8:20 AM August 30, 2011

The Associated Press (AP) on August 30, 2011 released the following:

“SAN FRANCISCO (AP) — A federal appeals court will hear arguments Tuesday over a request to permanently ban prison officials from forcibly medicating the Tucson shooting rampage suspect with psychotropic drugs.

At issue in Jared Lee Loughner’s appeal before the 9th Circuit Court of Appeal is whether prison officials or a judge should decide whether a mentally ill person who poses a danger in prison should be forcibly medicated.

Prosecutors say the decision is for prison officials to make, while Loughner’s lawyers say it’s up to a judge.

Loughner has pleaded not guilty to 49 charges in the Jan. 8 shooting that killed six people and wounded 13 others, including Rep. Gabrielle Giffords.

He has been at a federal prison facility in Springfield, Mo., since late May after mental health experts determined he suffers from schizophrenia and a judge ruled him mentally unfit to stand trial. He was sent to the facility in a bid to restore his mental competency so he can assist in his legal defense.

Loughner was forcibly medicated from June 21 to July 1 after prison doctors

concluded that he was a danger. His attorneys appealed U.S. District Judge Larry Burns’ ruling that said Loughner could be forcibly medicated in prison.

After the appeals court temporarily stopped Loughner’s forced medication, the prison put Loughner under round-the-clock suicide watch in mid-July after he asked a prison psychologist to kill him. Prison staff said Loughner’s psychological condition was deteriorating, noting that he had been pacing in circles near his cell door, screaming loudly and crying for hours at a time.

Loughner was given twice daily dose of an oral solution of Risperidone, a drug used for people with schizophrenia, bipolar disorder and severe behavior problems.

Loughner’s attorneys have questioned whether prison officials violated the appeals court’s order by medicating him again.

Eventually, the appeals court denied a request by Loughner’s attorneys to prevent the prison from continuing to medicate him. The court never said whether prison officials had violated its earlier order that temporarily prevented them from forcibly medicating Loughner.

Loughner’s attorneys continue to contest the forced medication in both the district and appeal courts.

Defense lawyers argued that the decision

to forcibly medicate their client solely on the basis of an administrative hearing held by prison officials had violated Loughner’s due-process rights.

For instance, they said, Loughner was denied the chance to call a witness at a hearing.

Prosecutors said the appeal is without merit because defense attorneys are asking the district court judge to substitute his judgment on whether Loughner poses a danger while in prison with the conclusions of mental health professionals.

They also said Loughner received all necessary due-process protections and noted that the witness he requested was his lawyer and that he didn’t have a right to have a lawyer at the administrative hearing at the prison.”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

Douglas McNabb and other members of the U.S. law firm practice and write extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN Sanctions Removal.

The author of this blog is Douglas McNabb. Please feel free to contact him directly at mcnabb@mcnabbassociates.com or at one of the offices listed above.

Federal Judge Ruled that Jordan Miles’ Attorney Can See Some FBI Documents

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 6:25 AM August 30, 2011

The Houston Chronicle on August 29, 2011 released the following:

“PITTSBURGH (AP) — A federal judge in Pittsburgh says attorneys for the city and a teen who claims he was wrongly beaten by three police officers can review some FBI records of a U.S. Justice Department investigation that ended in May with no criminal charges against the police.

The Pittsburgh Post-Gazette says (<http://>

bit.ly/ri7xlK) U.S. District Judge Gary Lancaster’s ruling doesn’t address the city’s request, opposed by federal prosecutors, to review secret grand jury transcripts.

The judge says the parties can review FBI records relevant to Jordan Miles’ lawsuit and cannot share the material with anyone else.

The city has denied claims by Miles, then a violist at the city’s performing arts high school, who says officers wrongly chased then beat him on Jan. 12, 2010 simply because he was a young black man

walking in a high-crime area.”

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Ex-NBA player Javaris Crittenton Arrested at a Southern California Airport to Board a Flight to Atlanta

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 8:38 AM August 30, 2011

The Associated Press (AP) on August 30, 2011 released the following:

“By DAISY NGUYEN

LOS ANGELES (AP) — Former NBA player Javaris Crittenton was in police custody after being arrested at a Southern California airport to board a flight to Atlanta, where his lawyer said he would go to surrender in a murder case.

Crittenton, who was suspended from the league for having guns in a locker room with teammate Gilbert Arenas, was arrested Monday evening at John Wayne Airport in Orange County after checking in for a redeye Delta Air Lines flight, FBI spokeswoman Laura Eimiller said. She said he was with a male companion who was not arrested.

Crittenton was taken to a Los Angeles police station where he was booked on suspicion of being a fugitive from justice. Eimiller said he will be held pending a possible court appearance in state court Wednesday before being taken to Atlanta.

Atlanta Police spokeswoman Kim Jones said Tuesday the timetable for

Crittenton’s return depends on whether he waives extradition.

Crittenton, 23, was wanted on a federal arrest warrant after the FBI learned that he traveled on a one-way ticket to Los Angeles, where he was known to have family and friends, several days after a deadly Aug. 19 shooting.

Crittenton’s attorney told the Associated Press earlier Monday that his client planned to surrender. He said he was in contact with Fulton County District Attorney Paul Howard and the FBI Fugitive Task Force to make arrangements for Crittenton’s arrest.

“He offered to turn himself in,” lawyer Brian Steel said. “He’s not guilty. We look forward to getting it to the courts.”

Eimiller said she wasn’t aware of any negotiation for Crittenton to surrender. Police in Atlanta had obtained a murder warrant for Crittenton in the Aug. 19 shooting of 22-year-old Jullian Jones, a mother of four young children, as she was walking with two men. Police believe one of the men with her was the target.

Police spokesman Carlos Campos had said the motive appears to be retaliation for a robbery in April, in which Crittenton

was a victim.

When he was with the Washington Wizards in December 2009, Crittenton and Arenas had a dispute over a card game on a team flight. Two days later, Arenas brought four guns to the locker room and set them in front of Crittenton’s locker with a sign telling him to “PICK 1.” Crittenton then took out his own gun.

Crittenton pleaded guilty in January 2010 to a misdemeanor gun charge and received a year of unsupervised probation. Arenas entered his guilty plea on Jan. 15. He served a short time in a halfway house.

Crittenton is on the roster of the NBA developmental league’s Dakota Wizards.”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

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Tory Winward, Curtis Swanson, and Jesse Yoshino Arrested on a Charge of Conspiracy to Interfere with Commerce by Extortion in a Criminal Complaint

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 9:10 AM August 30, 2011

The Federal Bureau of Investigation (FBI) on August 29, 2011 released the following:

“Three Honolulu Men Arrested on Extortion Charge

HONOLULU, HI— TORY WINWARD, 44, CURTIS SWANSON, 44, and JESSE YOSHINO, 30, all Honolulu residents, were arrested today on a charge of conspiracy to interfere with commerce by extortion in a criminal complaint unsealed in United States District Court today. The complaint and accompanying affidavit allege various threats and acts of violence in connection with the operation of a Waikiki bar and restaurant.

United States Attorney Florence T. Nakakuni said that the complaint is a result of a joint investigation by the Federal Bureau of Investigation (FBI) and the Honolulu Police Department (HPD).

The FBI and HPD arrested all three defendants this morning without incident. The complaint alleges that the defendants conspired to obtain money from the owners and operators of The Shack Waikiki as well as promoters of events at the establishment. According to the complaint and affidavit, the defendants engaged in a variety of acts in furtherance of the conspiracy, including:

- YOSHINO attacking and punching an owner in November 2010;
- SWANSON and WINWARD demanding money from a promotional company in May 2011; and
- WINWARD attacking and punching an owner in July 2011.

A criminal complaint is merely an accusation, and all defendants are presumed innocent until proven guilty. Each defendant was scheduled to appear in federal court this afternoon, where Magistrate Judge Richard Puglisi was to

set dates for hearings on the prosecution’s requests for detention without bail as to each defendant and preliminary hearings. If indicted and convicted of the charge, each defendant faces a maximum term of imprisonment of 20 years.

The prosecution is being handled by Assistant U.S. Attorney Thomas J. Brady.”

To find additional federal criminal news, please read [Federal Crimes Watch Daily](#).

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Attorney General Eric Holder Speaks at the Technologies for Critical Incident Preparedness Conference and Exposition

(USDOJ: Justice News)

Submitted at 9:32 AM August 30, 2011

"From key federal partners, to policy experts, researchers, and front-line practitioners, each of you is an essential part of the incident response community," said Attorney General Holder.

Assistant Attorney General Laurie Robinson Speaks at the Technologies for Critical Incident Preparedness Conference and Exposition

(USDOJ: Justice News)

Submitted at 10:05 AM August 30, 2011

"Our resilience is due, in great part, to our ability to come together at all levels of government to build and bolster a solid public safety infrastructure," said Assistant Attorney General Robinson.